



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-25-00006-CV

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MAURICE FITZPATRICK, Appellant

V.

AFG COMPANIES, INC., Appellee

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On Appeal from the 17th District Court  
Tarrant County, Texas  
Trial Court No. 017-352358-24

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Before Sudderth, C.J.; Kerr and Walker, JJ.  
Memorandum Opinion by Justice Walker

## MEMORANDUM OPINION

On November 11, 2024, Appellant Maurice Fitzpatrick, proceeding pro se, filed a motion to intervene in the trial court. On January 6, 2025, Fitzpatrick filed a notice of appeal in this court, stating that his appeal is a “protective filing” that seeks “appellate review of [the trial court’s] failure to rule on his Motion.”

We were informed by the trial court clerk that the trial judge had not signed any orders or final judgment in this case. Therefore, it appeared that there was no final judgment or order subject to appeal, making Fitzpatrick’s notice of appeal premature. *See Tex. R. App. P. 26.1(a), 27.1(a); see also Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195, 200 (Tex. 2001) (holding that generally appeals may be taken only from final judgments or interlocutory orders authorized by statute). Accordingly, we sent Fitzpatrick a letter expressing our concern that we lack jurisdiction over this appeal. We stated that we could dismiss this appeal for want of jurisdiction unless he or any party desiring to continue the appeal filed a response on or before January 21, 2025, showing grounds for continuing the appeal.

Fitzpatrick did not respond to our letter, and an appealable order or final judgment was not furnished to us. Without such an order or judgment, we have no jurisdiction over his appeal. *See Lehmann*, 39 S.W.3d at 195, 200. Thus, we dismiss this appeal for want of jurisdiction. *See Tex. R. App. P. 42.3(a), 43.2(f); Lehmann*, 39 S.W.3d at 195, 200.

/s/ Brian Walker

Brian Walker  
Justice

Delivered: February 27, 2025